

Document #5356

11/14/90

MEMORANDUM

NOVEMBER 14, 1990

Doc. # 5356 5
ADOPTED

TO: BOSTON REDEVELOPMENT AUTHORITY AND
STEPHEN COYLE, DIRECTOR

FROM; THOMAS O'MALLEY, ASSISTANT DIRECTOR FOR
NEIGHBORHOOD HOUSING AND DEVELOPMENT
MARIA FARIA, SENIOR PROJECT MANAGER
RALPH CAHILL, ASSISTANT GENERAL COUNSEL

SUBJECT: ORDER OF TAKING (CONFIRMATORY IN NATURE)
SOUTH END URBAN RENEWAL AREA, PROJECT NO. MASS. R-56
PARCELS RE-2B, RD-13, RR-8, 30, 20, 23A, SE-49, SE-7, SE-
122, RD-36, SE-123, SE-2, 33B, SE-124

SUMMARY: THIS MEMORANDUM REQUESTS THAT THE BOSTON REDEVELOPMENT
AUTHORITY (BRA) ADOPT THE ORDER OF TAKING FOR PARCELS SE-
2B, RE-2b, RD-13, RR-8, 30, 20, 23A, SE-49, SE-7, SE-122,
RD-36, SE-123, SE-2, 33B, SE-124

On April 19, 1990, the South End/Lower Roxbury Open Space Land Trust, Inc. ("Trust"), a community based land trust, was granted final designation as redeveloper of 14 parcels in the South End Urban Renewal Area, Project No. Mass R-56. These parcels form five existing community gardens, one planned community garden and two open space parcels with a total land area of approximately 2.15 acres. The proposed plan calls for managing and maintaining the 14 parcels as permanent open space for community use. The sites are scattered throughout the South End/Lower Roxbury and they are as follows:

<u>Reuse Parcel</u>	<u>Street Address</u>	<u>Land Area</u>
RE-2B	108-138 Worcester Street	24,849 Sq. Ft.
RD-13	20-22 Clarendon Street	
	65-71 Warren Avenue	2,080 Sq. Ft.
	561 Columbus Avenue	2,137 Sq. Ft.
RR-8	561 Columbus Avenue	2,137 Sq. Ft.
30	1561-1565 Washington Street	12.280 Sq. Ft.
20	908-912 Tremont Street	
	144-156 Lenox Street	
	119 Kendall Street	11,946 Sq. Ft.
23A	922-946 Tremont Street	
	110-116 Kendall Street	
	and a portion of Kendall Street adjacent to Parcel 23 A	20,244 Sq. Ft.
Se-49	106 West Springfield Street	1,326 Sq. Ft.
Se-7	108 West Springfield Street	1,600 Sq. Ft.
SE-122	110 West Springfield Street	1,600 Sq. Ft.

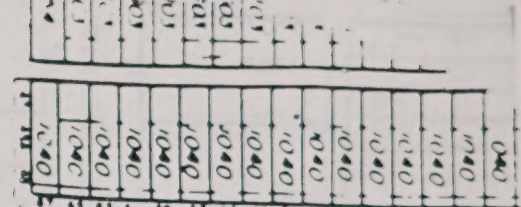
RD-16	112 West Springfield Street	1,600 Sq. Ft.
SE-123	114 West Springfield Street	1,600 Sq. Ft.
SE-2	116 West Springfield Street	1,500 Sq. Ft.
33B	75-87 Northampton Street	9,654 Sq. Ft.
SE-124	29-31 Dartmouth Street	3,000 Sq. Ft.

This Order of Taking is for title perfection purposes only and does not involve the award of any damages.

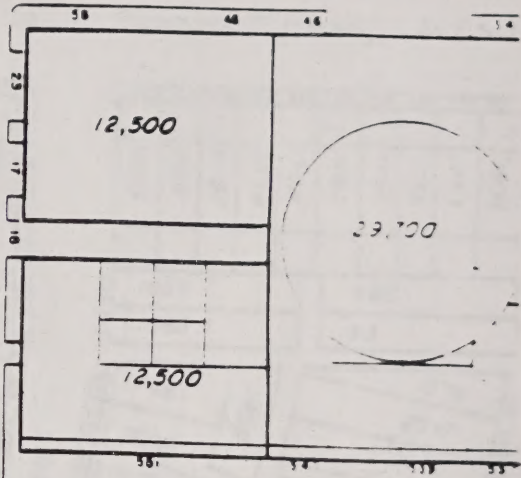
Therefore, it is requested that the BRA adopt the appropriate Order of Taking for Parcels RE-2B, RD-13, RR-8, 30, 20, 23A, SE-49, SE-7, SE-122, RD-36, SE-123, SE-2, 33B and SE-124 in the South End Urban Renewal area.

an appropriate vote follows:

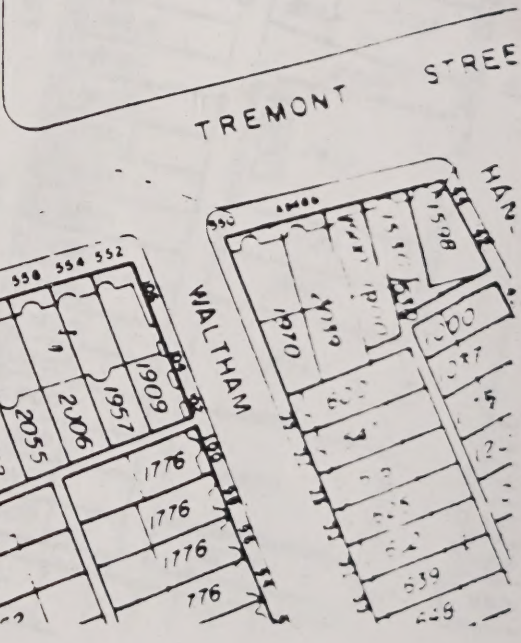
VOTED: That the Boston Redevelopment Authority execute the Order of Taking for Parcels RE-2B, RD-13, RR-8, 30, 20, 23A, SE-49, SE-7, SE-122, RD-36, SE-123, SE-2, 33B, and SE-124 in the South End Urban Renewal Area, Project No. Mass R-56.

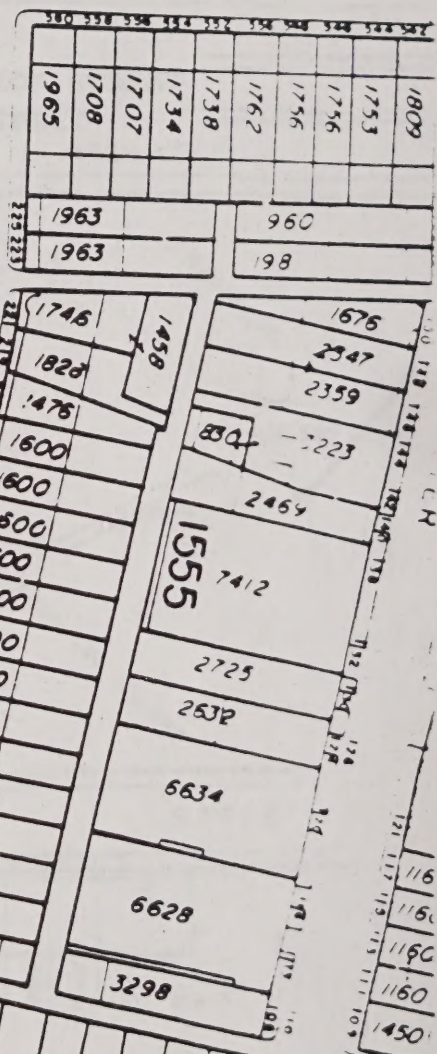


RD-13 20-22 CLARENDON STREET
65-71 WARREN AVENUE



MONTGOMERY ST





1086	7956	1632	1260	1876	OUR LADY OF THE CEDARS OF LERANON	5812
1896		1165				
16	9					

SIRIUS

STREET

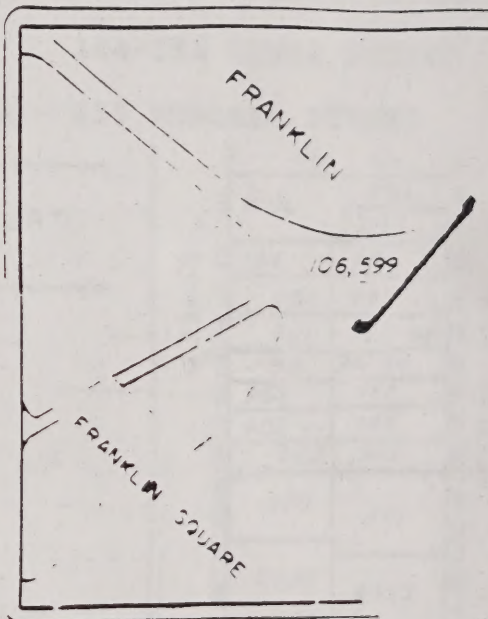
BLACKSTONE

C5. 599

1622 SQUARE

PARCEL 30
1561-1565 WASHINGTON STREET
1 HAVEN STREET

WASHINGTON



STREETS -

E NEWTON ST.

FRANKLIN

106,599

FRANKLIN SQUARE

STREET

164350.695
50.695
164350.695

50.695

BURYING SOUTH GROUNDS

HALL

IMMACULATE CONCEPTION
JESUIT FATHERS

3192

1848

PARA

2294	2295	2296	2297	2298	2299	2300	2301	2302	2303	2304	2305	2306	2307	2308	2309	2310	2311	2312	2313	2314	2315	2316	2317	2318	2319	2320	2321	2322	2323	2324	2325	2326	2327	2328	2329	2330	2331	2332	2333	2334	2335	2336	2337	2338	2339	2340	2341	2342	2343	2344	2345	2346	2347	2348	2349	2350	2351	2352	2353	2354	2355	2356	2357	2358	2359	2360	2361	2362	2363	2364	2365	2366	2367	2368	2369	2370	2371	2372	2373	2374	2375	2376	2377	2378	2379	2380	2381	2382	2383	2384	2385	2386	2387	2388	2389	2390	2391	2392	2393	2394	2395	2396	2397	2398	2399	2400	2401	2402	2403	2404	2405	2406	2407	2408	2409	2410	2411	2412	2413	2414	2415	2416	2417	2418	2419	2420	2421	2422	2423	2424	2425	2426	2427	2428	2429	2430	2431	2432	2433	2434	2435	2436	2437	2438	2439	2440	2441	2442	2443	2444	2445	2446	2447	2448	2449	2450	2451	2452	2453	2454	2455	2456	2457	2458	2459	2460	2461	2462	2463	2464	2465	2466	2467	2468	2469	2470	2471	2472	2473	2474	2475	2476	2477	2478	2479	2480	2481	2482	2483	2484	2485	2486	2487	2488	2489	2490	2491	2492	2493	2494	2495	2496	2497	2498	2499	2500	2501	2502	2503	2504	2505	2506	2507	2508	2509	2510	2511	2512	2513	2514	2515	2516	2517	2518	2519	2520	2521	2522	2523	2524	2525	2526	2527	2528	2529	2530	2531	2532	2533	2534	2535	2536	2537	2538	2539	2540	2541	2542	2543	2544	2545	2546	2547	2548	2549	2550	2551	2552	2553	2554	2555	2556	2557	2558	2559	2560	2561	2562	2563	2564	2565	2566	2567	2568	2569	2570	2571	2572	2573	2574	2575	2576	2577	2578	2579	2580	2581	2582	2583	2584	2585	2586	2587	2588	2589	2590	2591	2592	2593	2594	2595	2596	2597	2598	2599	2600	2601	2602	2603	2604	2605	2606	2607	2608	2609	2610	2611	2612	2613	2614	2615	2616	2617	2618	2619	2620	2621	2622	2623	2624	2625	2626	2627	2628	2629	2630	2631	2632	2633	2634	2635	2636	2637	2638	2639	2640	2641	2642	2643	2644	2645	2646	2647	2648	2649	2650	2651	2652	2653	2654	2655	2656	2657	2658	2659	2660	2661	2662	2663	2664	2665	2666	2667	2668	2669	2670	2671	2672	2673	2674	2675	2676	2677	2678	2679	2680	2681	2682	2683	2684	2685	2686	2687	2688	2689	2690	2691	2692	2693	2694	2695	2696	2697	2698	2699	2700	2701	2702
------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------

WEST CONCORD STREET

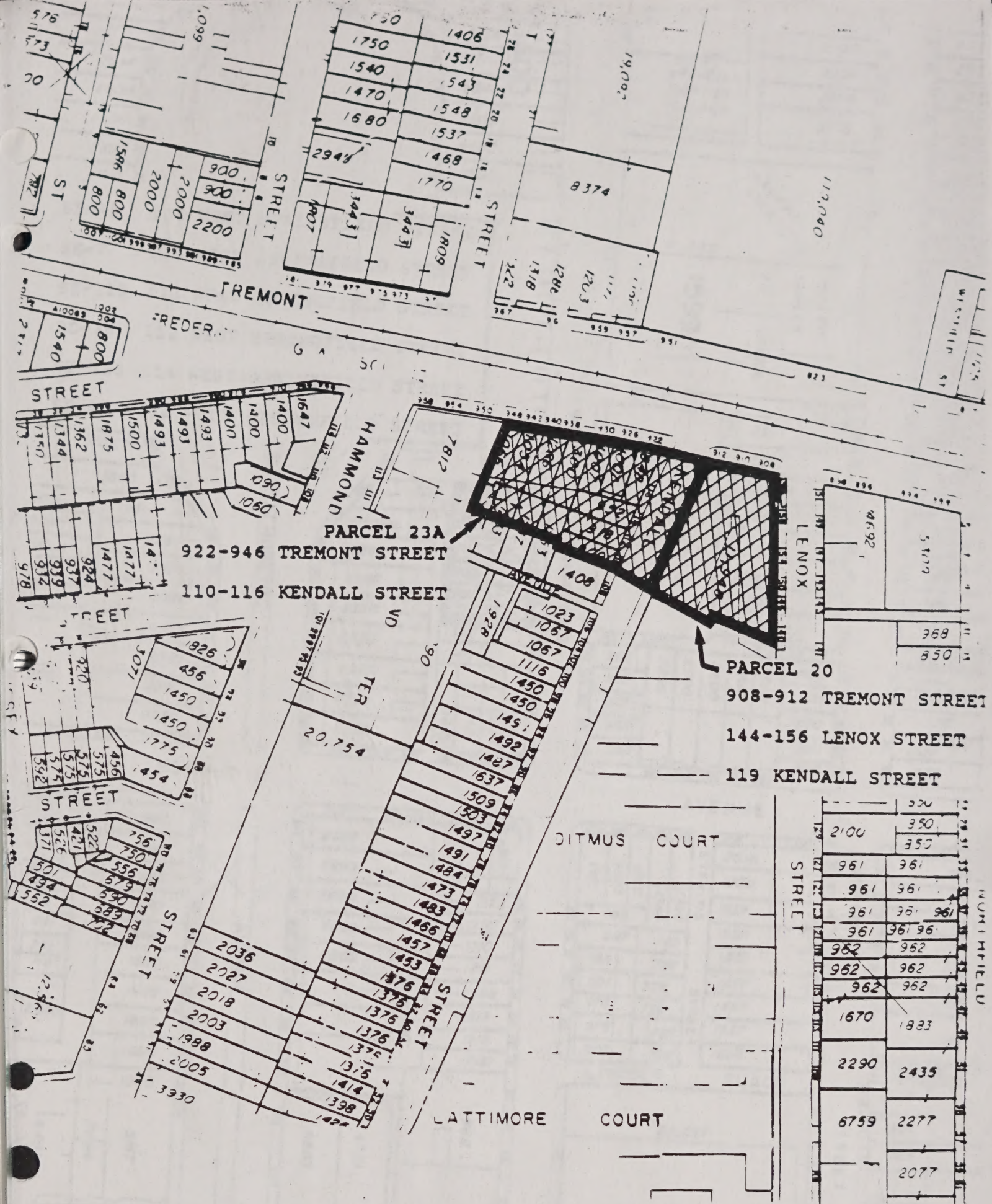
SHAWMUT

STREET

FAST

CONCORD

AMES



WASHINGTON

STREET

AVENUE

AVENUE

BOSTON CITY HOSPITAL
(SOUTH DEPT.)

PARCEL 33B
75-87 NORTHAMPTON STREET

NORTHAMPTON

PARMEELEE STREET

TRASK

GAGE ST.

STREET

HARRISON

NEVILLE PLACE

FLAGG

STREET

16

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

RESOLUTION

BE IT RESOLVED by the Boston Redevelopment Authority that an Order of Taking dated NOV. 14 1990 relating to portions of the SOUTH END URBAN RENEWAL AREA, MASS. R-56, be executed and made a permanent part of these proceedings, a copy of which the Secretary shall cause to be recorded in the Office of the Registry of Deeds for the County of Suffolk.

A true copy

CERTIFICATE

I hereby certify that the following names constitute the entire membership of the Boston Redevelopment Authority:

Clarence J. Jones
Michael F. Donlan
Francis X. O'Brien

James K. Flaherty
Consuelo Gonzales Thornell

A true copy

ATTEST:

Kaus Shuman
Secretary of the Boston Redevelopment Authority

Doc Bk
DOC # 5356
ADOPTED
11/14/90

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

BOSTON REDEVELOPMENT AUTHORITY

ORDER OF TAKING

WHEREAS, the Boston Redevelopment Authority, in accordance with G.L. c. 121B and its predecessor Statute G.L. c. 121, adopted and filed in the Suffolk County Registry of Deeds, Book 8056, page 295, and Order of Taking, dated June 30, 1966, concerning and describing the SOUTH END URBAN RENEWAL AREA, all of the findings, determinations and descriptions set forth therein being incorporated herein by reference and made a part hereof;

WHEREAS, the Boston Redevelopment Authority has deposited with the Mayor of the City of Boston security to his satisfaction for the payment of such damages as may be awarded in accordance with law to the owner or owners of said area, as required by G.L. c. 79, s. 40; and

WHEREAS, the Authority is making this taking, which is confirmatory in nature, solely to cure and hence remove any cloud on the title to the property that may have arisen or if any there be.

NOW, THEREFORE, BE IT ORDERED that the Boston Redevelopment Authority, acting under the provisions of said c. 121B, and all other authority thereunto enabling and pursuant to the applicable provisions of said c. 79, and of any and every power and authority to it, granted or implied, hereby takes for itself in fee simple by eminent domain, for the purposes hereinbefore set forth or referred to, the area or areas located in the City of Boston as hereinafter described in ANNEX A, together with any and all easements and rights appurtenant hereto, including any trees, buildings and other structures standing upon or affixed thereto and including the fee, if any, in all public streets, highways and public ways in said area or areas or contiguous and adjacent

to the property taken hereby, provided such fee is a part of said property, except any and all easements of travel in and to any and all public streets, highways and public ways in said area or areas or contiguous and adjacent thereto.

AND FURTHER ORDERED that in accordance with the provision of the said Chapter 79, as amended, awards are made by the Boston Redevelopment Authority for damages sustained by the owner of owners and all other persons, including all mortgagees of record, having any and all interest in the parcel described in ANNEX A and entitled to any damages by reason of the taking hereby made. The Boston Redevelopment Authority reserves the right to amend the award (awarded in ANNEX B) at all times prior to the payment thereof by reason of a change in ownership or value of said property before the right to damages therefor has become vested or for other good cause shown. The awards hereby made are set forth in ANNEX B, which ANNEX B is not to be recorded in the Registry of Deeds with the Order of Taking.

AND FURTHER ORDERED that the Secretary of the Boston Redevelopment Authority cause this instrument of Taking to be recorded in the office of the Suffolk County Registry of Deeds.

IN WITNESS WHEREOF, we, the following members of the Boston Redevelopment Authority have caused the corporate seal of the Authority to be hereto affixed and these presents to be signed in the name and behalf of the Boston Redevelopment Authority.

DATED: NOV. 14 1990

BOSTON REDEVELOPMENT AUTHORITY

By:

Clarence J. Jones
Conrad J. Dorrill
Michael J. Hender
Sam A. D. D.
John R. Flaherty

ATTEST:

Klaus Simonian
Secretary of the Boston Redevelopment Authority

Approved as to form:

Ralph F. Cahill
Ralph F. Cahill, Assistant General Counsel
RFC9/UU

ANNEX A

BOSTON REDEVELOPMENT AUTHORITY

SOUTH END URBAN RENEWAL AREA

TAKING AREA DESCRIPTION

The following parcels of land are to be taken by this Order of Taking:

PARCEL SE-7 (108 West Springfield Street)

The Southeasterly portion of Lot 102 shown on "Plan of City Lands" recorded at end of Book 615, in Suffolk Registry of Deeds and bounded and described as follows:

NORTHEASTERLY by West Springfield Street, twenty (20') feet;

SOUTHEASTERLY by Lot 103 on said Plan, eighty (80') feet;

SOUTHWESTERLY by a six (6') feet passageway twenty (20') feet;

NORTHWESTERLY through the middle of a party wall, eighty (80') feet;

All of said lines being straight, containing 1,600 square feet. For title of grantor see City Deed recorded at Suffolk Deeds in Book 8472, page 199.

PARCEL SE-112 (110 West Springfield Street)

A parcel of land containing 1,500 square feet situated on the southwesterly side of West Springfield Street a short distance northwesterly of Shawmut Avenue, comprising the Southeasterly portion of Lot 1 and a strip five (5') feet wide from the northwesterly side of Lot 102 on the plan referred to above and also shown on a plan recorded at Suffolk Deeds, in Book 708, page 206.

For title of grantor, see City of Boston Deed recorded at Suffolk Deeds in Book 15871, page 231.

PARCEL SE-2 (116-118 West Springfield Street)

Land in Boston, Suffolk County, Massachusetts, bounded and described as follows:

NORTHWESTERLY by Lot 37 on the Plan hereinafter mentioned, seventy-five (75') feet,

NORTHEASTERLY by West Springfield Street, twenty (20') feet,

SOUTHWESTERLY by Northeasterly end of passageway 3 feet wide and by Lot 35 on said Plan, twenty (20') feet.

Containing 1,419 square feet more or less, being Lot No. 99 on a Plan of Land sold and recorded at end of Book 615, in Suffolk Registry of Deeds.

For title of grantor, see City of Boston Deed recorded at Suffolk Deeds in Book 8157, page 99.

PARCEL SE-123 (114 West Springfield Street)

A parcel of land containing approximately 1,600 square feet, situated on the Southwesterly side of West Springfield Street, a short distance Northwesterly of Shawmut Avenue, in Boston, being Lot 100 on a Plan of City Land Sold, Volume 2, Plan 80, bounded and described as follows:

NORTHEASTERLY by West Springfield Street twenty (20') feet;

SOUTHEASTERLY by Lot 101 on said plan, eighty (80') feet;

SOUTHWESTERLY by a six-foot (6') passageway running into Shawmut Avenue on said plan and an extension thereof, twenty (20') feet;

NORTHWESTERLY by Lot 99 on said plan, eighty (80') feet.

For title of grantor, see City of Boston Deed, recorded at Suffolk Deeds, in Book 15971, page 231.

PARCEL SE-124 (29 and 31 Dartmouth Street)

A certain parcel of land now or formerly 29 Dartmouth Street, in Boston, bounded and described as follows:

Beginning at a point on Dartmouth Street which is sixty (60') feet distant from the intersection of the easterly side of Dartmouth Street with the northerly side of Montgomery Street;

thence running Easterly seventy-five (75') feet to a passageway five (5') feet wide leading from Montgomery Street to form passageway twenty (20') feet wide leading from Dartmouth Street to Clarendon Street;

thence turning and running northerly along a five (5') foot passageway, twenty (20') feet;

thence turning and running Westerly to Dartmouth Street, seventy-five (75') feet;

thence Southerly along Dartmouth Street twenty (20') feet to point of beginning. Containing 1,500 square feet.

Another certain parcel of land now or formerly 31 Dartmouth Street, bounded and described as follows:

WESTERLY by Dartmouth Street twenty (20') feet;

NORTHERLY by now or formerly of City of Boston seventy-five (75') feet;

EASTERLY by land now or formerly of John L. Gardner on line through center of a five-foot (5') passageway, twenty (20') feet;

SOUTHERLY on a line by land now or formerly of Lucretia M. Phelps which line is eighty (80') feet north from the north side of Montgomery Street, seventy-five (75') feet.

For title of grantor see City of Boston Deed, recorded in Suffolk Deeds Book 15971, page 231.

PARCEL RR-8 (561 Columbus Avenue)

A certain parcel of land bounded and described as follows:

Beginning at the Northwesterly corner of Wellington Street and Columbus Avenue, then running Northwesterly by Wellington Street ninety-five and five hundredths (95.5') feet to land now or formerly of John S. Lamprey;

thence turning and running Southwesterly by said Lamprey land through the center of a brick partition wall, twenty-three (23') feet;

thence turning and running Southeasterly by said Lamprey land six (6") inches to land now or formerly Cordelia Cox;

thence turning and running Northeasterly by said Cox land six (6') inches;

thence turning and running Southeasterly by said Cox land through center of a brick partition wall ninety-five (95') feet to Columbus Avenue;

thence turning and running Northeasterly by Columbus Avenue twenty-two and one-half (22 1/2') feet to said passageway.

For title of grantor see Deed from City of Boston recorded at Suffolk Deeds in Book 8062, page 175.

PARCEL SE-49 (106 West Springfield Street)

A certain parcel of land situated in Boston and bounded and described as follows:

NORTHEASTERLY by said West Springfield Street sixteen (16') feet;

NORTHWESTERLY by Lot 102 on a plan hereinafter referred to eighty (80') feet;

SOUTHWESTERLY by a passageway six (6') feet wide sixteen feet seven inches (16'7");

SOUTHEASTERLY by Lot 104 on said plan 49 feet.

Containing 1,326 2/3 square feet according to plan being Lot 103 on a plan recorded with plans of City Deeds sold, Book 2, page 80, in office of Superintendant of Public Records.

PARCEL RE-2B (108-138 Worcester Street)

That certain parcel of land shown on a Plan entitled, "Boston Redevelopment Authority, South End Urban Renewal Area, Project Mass. R-56, Boston, Suffolk County, Massachusetts, Delivery Parcel Plan, Parcel RE-2B, dated May 1970," which Plan is recorded at Suffolk Registry of Deeds, in Book 8409, page 539.

PARCEL RD-36 (112 West Springfield Street)

A certain parcel of land containing approximately 1,600 square feet, situated on the Southwesterly side of West Springfield Street, being Lot 101 on a Plan of City land sold, recorded at Suffolk Registry of Deeds, in Volume 2, Plan 80.

PARCEL RD-13 (20-22 Clarendon Street and 67-69 Warren Avenue)

A certain parcel of land situated on Clarendon Street and Warren Avenue in said Boston, being lots numbered 14 and 15 on a plan drawn by J. F. Fuller, dated March 14, 1862, recorded with Suffolk Deeds, end of book 809, bounded and described as follows:

Beginning at a point on the westerly side of said Clarendon Street at the corner of Warren Avenue, and running westerly on said avenue, sixty-five (65') feet to a passageway ten (10') feet wide which is always to be kept open for the use of these and adjoining lots;

thence turning and running northerly on said passageway, thirty-two (32') feet;

thence turning and running easterly through the centre of a brick partition wall, sixty-five (65') feet to said Clarendon Street;

thence turning and running southerly on said Clarendon Street, thirty-two (32') feet to the point of beginning; containing 2,030 square feet of land.

For title of Grantor, see Order of Taking, dated December 2, 1970, recorded at Suffolk Deeds, in Book 8409, page 539.

PARCEL 33B (75-87 Northampton Street)

A certain parcel of land situated in Boston, bounded and described as follows:

NORTHEASTERLY by Trask Street one hundred seven and 17/100 (107.17') feet;

SOUTHEASTERLY by Gage Street ninety (90') feet;

SOUTHWESTERLY by Northampton Street one hundred six and 96/100 (106.96') feet; and

NORTHWESTERLY by land now or formerly of Old St. Patrick's Church, Roman Catholic Archbishop of Boston, ninety (90') feet.

All of said boundaries are determined by the Court to be located as shown on a plan drawn by David S. Wexler, C.E., dated June 1, 1946, as modified No. 19975-A, a copy of a portion of which is filed with Certificate of Title No. 48160.

For title of Grantor see Certificate of Title No. 92125.

PARCEL 30 (1561-1565 Washington Street)

That certain parcel of land shown on a Plan entitled, "Plan of Land in Boston, Mass. (showing land to be conveyed from the Boston Redevelopment Authority to the SE/LR Open-Space Land Trust, Scale 1" = 10', dated September 14, 1990," prepared by Stephen P. DesRoche P.L.S., which plan is recorded herewith.

PARCEL 23A (Corner of Tremont, Lenox and Kendall Streets)

That certain parcel of land in Boston, comprising Disposition Parcels 20, 23A and discontinued Kendall Street, all as shown on a Plan entitled, "Plan of Land in Boston, Mass., Scale 1" = 20', dated October 5, 1990," prepared by Neponset Valley Survey Associates, Inc., which plan is recorded herewith.

The owner of the parcel of land hereby taken is unknown.

ANNEX B

BOSTON REDEVELOPMENT AUTHORITY

SOUTH END URBAN RENEWAL AREA

AWARD OF DAMAGES

No awards are made with this Order of Taking.

